MONTANA LEGISLATIVE HISTORY

Chapter 125 1974

Bill H 635 S _____ Original bill & history ____C

H. Committee on Business and Industry		S. Committee on Business and Industry	
Hearing Date(s) Feb 04	✓C	Hearing Date(s) Feb 22	✓C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 04	✓C	Feb 22	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House - Business and Industry - Feb 4, 1974

HB 808 - Rep Manuel, chief sponsor, explained the bill and introduced Riley W. Childers, Montana Associated Utilities. Mr. Childers said the bill was designed to reasonably compensate utilities for the removal of poles and lines for moving tall structures (see attachment). See attachments for other proponents and opponents. The opponents stated that this bill would allow the utilities to control moving buildings. They also stated that it would provide a toll gate for the benefit of the utilities.

HB 982 - Rep Kosena, chief sponsor, spoke in favor of this bill and introduced Tony Softich, Administrator of the Labor Standard Division (see attachment). Other proponents included Sidney T. Smith, Department of Labor & Industry; Ernest Post, Montana State AFL-CIO; and Fred Barrett, Employment Security Division. All the proponents thought the bill had merit because of the high rates being charged by the private employment agencies, especially to low salaried people. See attachments for opponents. The opponents stated that if this bill became law, they would have to go out of business.

SJR 50 - Senator James, chief sponsor, spoke in favor of this bill. There were no opponents.

HB 1079 - Rep Kimble, chief sponsor, spoke in favor of this bill and submitted some amendments. Tom Behan, Montana Student Lobby, said that this bill would cause no competition with private individuals or businesses and would not create a bar on campus. Phil Strope, Innkeepers Association, and Bob Durkee, Montana Tavern Association, both rose in opposition to this bill. They stated that it would definitely compete with hotels, bars and restaurants.

HB 635 - Rep Roberts, chief sponsor, spoke in favor of this bill and submitted amendments (see attachment). Bob Quinn, MPCo. and Peter Pauly, MDU, both rose in support of this bill. Gene Phillips, Pacific Power & Light, also endorsed the bill but thought it should be amended further to include the words "technically or economically feasible".

Rod Hanson, Montana Associated Utilities, spoke in opposition (see attachment).

HB 973 - Rep Roberts, chief sponsor, and Phil Strope, Innkeepers Association, both spoke in favor of this bill. Tom Mulholland, Liquor Division, Department of Revenue, was on hand to answer any technical questions that might arise. Bob Durkee, Montana Tavern Association, rose in opposition.

HB 974 - Rep Roberts, chief sponsor, spoke in favor of this bill. Tom Mulholland spoke in opposition, citing the cost of figuring out the population within the five-mile radius.

SJR 50 - Rep Lien made a motion to DO PASS. Rep Quilici seconded and the motion carried.

HB 173 - Rep Kessner made a motion to DO NOT PASS. Rep Swanberg seconded and the motion carried with Reps Aageson and Regan voting no.

The meeting adjourned at 1:05 p.m.

Sandy Mehrens, Chairman

mje

STANDING COMMITTEE REPORT

- ☐ DO PASS
- ☐ DO NOT PASS
- ☐ BE CONCURRED IN
- ☒ BE NOT CONCURRED IN
- ☐ BE ADOPTED
- ☐ BE NOT ADOPTED
- ☐ BE HELD OVER

.....19.....

Journal

MR. SPEAKER:

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE Bill No. 635

Respectfully report as follows: That HOUSE Bill No. 635

Be amended on page 1, line 17, by adding the word "DISTRIBUTION" before the word "lines"

And further amend on page 1, line 17, and continuing on line 18, by striking the words ~~"between the last substation"~~ and inserting

Bill No.

Respectfully report as follows: That

Be amended on page 1, line 17, by adding the word "DISTRIBUTION" before the word "lines"

And further amend on page 1, line 17, and continuing on line 18, by striking the words "~~between the last substation~~" and inserting in lieu thereof the words "IN THE NEW SERVICE AREA"

And further amend on page 1, line 20, following the word "The" by striking the word "~~department~~" and inserting in lieu thereof the words "PUBLIC SERVICE COMMISSION"

And as so amended,

DO PASS

Chairman.

Name Robert Quiner Date Feb 4-74

Address 1507 Dallas, Helena Support ? X

Representing Mont Pwr Co. Oppose ?

Which Bill ? HB 635 Amend ? X

Comments:

Name Peter C. Pauly Date 2-4-74

Address 835 N. Main - Helena, Mont. Support ? ✓

Representing Mon-Dak Utilities Oppose ?

Which Bill ? HB-655 Amend ? ✓

Comments:

Support HB-655 with amendments of Sponsor, Rep. Roberts

Name Gene Phillips

Date 2/4/74

Address Kalispell, Mont.

Support ?

Representing Pacific Power & Light

Oppose ?

Which Bill ? HB 635

Amend ? X

Comments:

WITNESS STATEMENT

Name Rod Hanson Date 2-4-74

Address Fairfield, Mt Support ?

Representing Montana Associated Utilities Oppose ? L

Which Bill ? H.B. 635 Amend ?

Comments:

The definition of a new service area is too ambiguous and we question the suggestion that the public service Commission can adopt regulations to change or modify a law passed by the legislature.

BUSINESS AND INDUSTRY COMMITTEE

February 4, 1974

The Business and Industry Committee meeting was called to order this date at 5:50 p.m. with Chairman Mehrens presiding. All members were present except Reps Lien and Mercer.

HB 635 - Rep Rolfe made a motion to adopt the amendments as presented. Rep Regan seconded and the motion carried. Rep Regan then made a motion to DO PASS AS SO AMENDED. Rep Driscoll made a substitute motion to add another amendment. The amendment passed. Rep Hageman made a motion to DO PASS AS SO AMENDED. Rep Quilici seconded and the motion carried with Reps Kessner, Manuel and Selstad voting no.

HB 808 - Rep Manuel asked that the committee defer action on this bill until Wednesday, February 6.

HB 973 - Rep Rolfe made a motion to DO PASS. Rep Driscoll made a substitute motion to incorporate all the liquor bills into a subcommittee. Rep Laas seconded and the motion failed with Reps Kessner, Lockrem, Manuel, Olson, Quilici, Selstad and Swanberg voting no. Rep Kessner made a motion to DO NOT PASS and the motion carried with Reps Driscoll, Hageman, Regan, Rolfe and Laas voting no.

HB 980 - Rep Regan made a motion to DO PASS. Rep Swanberg seconded and the motion carried with Reps Driscoll, Lockrem, Olson and Rolfe abstaining.

HB 982 - Rep Kessner made a motion to DO NOT PASS. Rep Harper made a substitute motion to DO PASS. Rep Driscoll made another motion to amend the bill on page 2, line 19 by reinserting the words and punctuation ", either orally or". The amendment passed. They then voted on the motion to DO PASS and the motion failed with Reps Driscoll, Hageman, Kessner, Lockrem, Manuel, Olson, Regan, Rolfe, Selstad, Swanberg and Laas voting no. Rep Kessner then made a motion to DO NOT PASS. The motion

Proposed amendments to House Bill 635.

be amended on page 1, line 12, after the word "area" by inserting the following material: "when technically or economically feasible", and

be further amended on page 1, line 17, by adding the word "distribution" before the word "lines", and

be further amended on page 1, line 17 and continuing on line 18, by omitting the words "between the last substation" and inserting in lieu thereof the words "in the new service area", and

be further amended on page 1, line 20, following the word "The" by omitting the word "department" and inserting in lieu thereof the words "public service commission", and

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 22, 1974

The eighteenth meeting of the Business and Industry Committee was called to order by Chairman DeWolfe on the above date in Room 415 of the State Capitol Building at 11 a.m.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 635: An act requiring the underground installation of electric power distribution lines in new service areas.

Representative Roberts appeared in support of the bill. Gene Phillips, Pacific Power and Light Company testified in behalf of the bill and suggested that an amendment be adopted. Representative Roberts concurred with the proposed amendment. Mr. Quin, The Montana Power Company, testified in support of the bill. Questions were asked by the committee as to where the underground lines were laid.

DISPOSITION OF HOUSE BILL 635:

Senator Hazelbaker moved that an amendment be adopted and Senator Keenan seconded the motion. Motion carried. Senator Drake moved that the bill AS AMENDED BE CONCURRED IN, and Senator Hazelbaker seconded the motion. Motion carried.

CONSIDERATION OF HOUSE BILL 702: To allow sixty (60) days for filing crude oil production and natural gas production statements.

Jack Rehberg appeared in support of the bill representing Rocky Mountain Oil & Gas Association (Montana Division).

DISPOSITION OF HOUSE BILL 702:

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 2-22-74

NAME	PRESENT	ABSENT	EXCUSED
Vice-Chairman McGowan	X		
Fred Broeder	X		
Jack DeVine	X		
B. J. Goodheart ~~Mrico Romney~~	X		
Frank Hazelbaker	X		
Glen Drake	X		
P. J. Keenan	X		
William Lowe	X		
Jimmy Shea	X		
Antoinette Rosell	X		

Fred Broeder	X		
Jack DeVine	X		
B. J. Goodheart ~~Mike Romney~~	X		
Frank Hazelbaker	X		
Glen Drake	X		
P. J. Keenan	X		
William Lowe	X		
Jimmy Shea	X		
Antoinette Rosell	X		
Chairman Percy DeWolfe	X		

RED IN

February 4 19 74

☐ BE NOT ADOPTED
☐ BE HELD OVER

Secretary's Office

MR. SPEAKER

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE Bill No. 635

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE UNDERGROUND INSTALLATION OF ELECTRIC POWER DISTRIBUTION LINES IN NEW SERVICE AREAS."

Respectfully report as follows: That HOUSE Bill No. 635

be amended on page 1, line 12, after the word "area" by inserting the following material: "when technically or economically feasible", and

OF ELECTRIC POWER DISTRIBUTION LINES IN NEW SERVICE AREAS."

Respectfully report as follows: That HOUSE Bill No. 635

be amended on page 1, line 12, after the word "area" by inserting the following material: "when technically or economically feasible", and

be further amended on page 1, line 17, by adding the word "distribution" before the word "lines", and

be further amended on page 1, line 17 and continuining on line 18, by omitting the words "between the last substation" and inserting in lieu thereof the words "in the new service area", and

be further amended on page 1, line 20, following the word "The" by omitting the word "department" and inserting in lieu thereof the words "public service commission", and

AS SO AMENDED
DO PASS

Sandy Mehrens
Chairman

And further amend Section 1, page 1, line 13 of the 3rd reading bill by deleting the word "OR" and inserting in lieu thereof the word "AND".

NAME	REPRESENTING	BILL NO	SUPPORT	OPP
Gene Phillips	Pacific Power & Light...	635	X	
~~Gene Phillips~~	~~Pacific International~~			
Jack Kehlberg	Kaiser Min & Chem Corp	704	X	
Joe Roberts	"	735	X	

employees' retirement system of the state of Montana and the metropolitan police retirement system of the various cities of Montana shall, for the purposes of this act be deemed to constitute separate retirement systems with respect to the state and separate retirement systems with respect to each political subdivision having portions covered thereby. With respect to highway patrolmen of the state the governor is empowered to authorize a referendum and with respect to the employees of any political subdivision he shall authorize a referendum upon request of the governing body of such subdivision and in either case the referendum shall be conducted, and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218 (d) (3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under this act. The notice of referendum required by section 218 (d) (3) (C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this act.

(c) Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in section 218(d) (3) of the Social Security Act have been met, the governor shall so certify to the secretary of health, education, and welfare."

Approved March 11, 1974

CHAPTER NO. 123

AN ACT PERMITTING STATE AGENCIES TO CONTRACT WITH REHABILITATION ORIENTED AGENCIES WITHOUT COMPETITIVE BIDDING IN CERTAIN INSTANCES.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 82-1938, R.C.M. 1947, which reads as follows:

82-1938. **Policy.** It is the policy of the state of Montana to encourage state agencies to negotiate contracts with sheltered workshops and work activity centers principally engaged in rehabilitation programs that are located in Montana.

Section 2. There is a new section to be numbered 82-1939, R.C.M. 1947, which reads as follows:

82-1939. **Definition.** For the purpose of this act, a "sheltered workshop" and a "work activity center" mean a workshop having a sheltered workshop certificate, or an evaluation and training certificate, or a work

activities center certificate issued by the wage and hour division of the United States department of labor, or recognized by the department of social and rehabilitation services in Montana.

Section 3. There is a new section to be numbered 82-1940, R.C.M. 1947, which reads as follows:

82-1940. **Contracts negotiable without competitive bidding under certain circumstances.** State agencies may negotiate contracts for the purchase of products not exceeding five thousand dollars ($5,000) from sheltered workshops and work activity centers located in Montana without complying with the provisions of Title 82, chapter 19, concerning competitive bidding.

Approved March 11, 1974

CHAPTER NO. 124

AN ACT AMENDING SECTION 11-1704, R.C.M. 1947; PROVIDING THAT MUNICIPAL JUDGES' SALARIES BE SET BY CITY ORDINANCE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 11-1704, R.C.M. 1947, is amended to read as follows:

"11-1704. **Qualifications and salary.** Municipal judges shall have the same qualifications as judges of the district court and must be a resident and voter in the city for which he is elected at the time of his election. The salary of such judges shall be *set by city ordinance and* payable monthly by the city treasurer of the city in which such court is."

Approved March 11, 1974

CHAPTER NO. 125

AN ACT REQUIRING THE UNDERGROUND INSTALLATION OF ELECTRIC POWER DISTRIBUTION LINES IN NEW SERVICE AREAS.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 7-304, R.C.M. 1947, which reads as follows:

70-304. **Underground power lines in new service areas.** A firm, agency, or person exercising the rights conferred by section 70-301 shall

install underground all lines used for the distribution of electricity in a new service area when technically and economically feasible. As used in this section, "new service area" means any subdivision or group of newly constructed or newly installed dwellings (including mobile homes) or commercial buildings which, when occupied, will generate at least five contracts for the supply of electricity, and "lines used for the distribution of electricity" means all the distribution lines in the new service area through which electricity passes before it is utilized by the consumer and the consumer's dwelling or place of business. The public service commission may make rules to implement this section.

Approved March 11, 1974

CHAPTER NO. 126

AN ACT AMENDING SECTION 94-5-304, R.C.M. 1947, TO REQUIRE THE DEATH PENALTY REGARDLESS OF MITIGATING CIRCUMSTANCES FOR THE CRIME OF AGGRAVATED KIDNAPPING WHEN THE VICTIM DIES OR IS KILLED; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 94-5-304, R.C.M. 1947, is amended to read as follows:

"94-5-304. **Sentence of death for aggravated kidnapping.** A court shall impose the sentence of death following conviction of aggravated kidnapping if it finds that the victim is dead as the result of the criminal conduct."

Section 2. This act is effective upon passage and approval.

Approved March 11, 1974

CHAPTER NO. 127

AN ACT AMENDING SECTIONS 27-407 AND 27-409, R.C.M. 1947, TO APPLY THE RULEMAKING PROCEDURES OF THE ADMINISTRATIVE PROCEDURE ACT TO PROCEEDINGS FOR FIXING MINIMUM PRICES BY THE BOARD OF MILK CONTROL; FIXING FEES ASSESSED TO FUND PROGRAMS OF THE BOARD OF MILK CONTROL; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 27-407, R.C.M. 1947, is amended to read as follows:

"27-407. **Establishment of minimum prices.** The board *shall* fix minimum producer, wholesale, jobber, and retail prices for class I milk, and minimum producer prices only for class II and class III milk in all areas of the state, *by adopting rules in a manner prescribed by the Montana Administrative Procedure Act.*

The board shall establish such prices by means of flexible formulas which shall be devised so that they bring about such automatic changes in all minimum prices as are justified on the basis of changes in production costs and supply, processing and distribution costs, and retailing costs.

The board shall *consider* the balance between production and consumption of milk, the costs of production and distribution, and prices in adjacent and neighboring areas and states, so that minimum prices which are fair and equitable to producers, distributors, jobbers, retailers, and consumers may result.

The board shall, *when publishing notice of proposed rule making under authority of this section, set forth* the specific factors which shall be taken into consideration in establishing the formulas and in particular in determining costs of production and distribution and of the actual dollars and cents costs of production and distribution which preliminary studies and investigations of auditors or accountants in its employment indicate will or should be shown at the hearing, so that all interested parties will have opportunity to be heard and to question or rebut such considerations as a matter of record.

Such specific factors may include, but shall not be limited to, the following items:

(1) Current and prospective supplies of milk in relation to current and prospective demands for such milk for all purposes;

(2) The ability and willingness of consumers to purchase, which shall include among other things, per capita disposable income statistics, consumer price indices, and wholesale price indices;

(3) The cost factors in producing milk, which shall include among other things the prices paid by farmers generally (as used in parity calculations of the United States Department of Agriculture), prices paid by farmers for dairy feed in particular and farm wage rates in this state;

(4) The alternative opportunities, both farm and nonfarm, open to milk producers, which shall include among other things, prices received by farmers for all products other than milk, prices received by farmers for beef cattle, and the percentage of unemployment in the state and nation as determined by appropriate state and federal agencies;

(5) The prices of butter-nonfat dry milk, and cheese;

(6) The cost factors in distributing milk, which shall include among other things the prices paid by distributors for equipment of all types required to process and market milk and prevailing wage rates in this state;